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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/582,672 09/14/90 EVANS

J NAS1-B-24314

EXAMINER

BOWLER, A

ART UNIT PAPER NUMBER

233

DATE MAILED:

02/07/91

This is a communication from the examiner in charge of your application,
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 9-14-90 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 1 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 61-74 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 61-74 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit 233

1. This letter is responsive to applicant's Preliminary Amendments of September 14, 1990 and October 17, 1990 and Request for Declaration of Interference of October 17, 1990.
2. Claims 61-71 and 72-74 are pending in the case, claims 72-74 having been copied from U.S. Pat. #4,873,664 to Eaton, Jr. for purposes of instigating an interference.
3. This application is a continuation of 07/440,434 filed 10/20/89 which is a continuation of 07/057,100 filed 06/02/87 now abandoned. The effective filing date of this application is 06/02/87 which is more than three months after the effective filing date of Eaton, Jr. In this instance, applicants are required to conform to the provisions of 37 CFR 1.608(b). See MPEP 2308.01 and 2308.02.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
5. Claims 61-74 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Eaton, Jr.

This rejection may be overcome by supplying an affidavit and explanation as to why an interference should be declared as set forth by 37 CFR 1.608(b).

Serial Number 582,672

-3-


Art Unit 233

6. Claims 61-66 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 61, line 18 "said selected memory cell" lacks technical antecedent basis. Line 20, "said received data state" lacks antecedent basis as well. Claim 66, lines 3-4 "the output of the dummy cell" lacks antecedent basis.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyssa H. Bowler whose telephone number is (703) 308-1372.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0754.


ALYSSA H. BOWLER
PATENT EXAMINER
ART UNIT 233

A. H. Bowler/mb
February 01, 1991